

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7435 OF 2006

Shri Ajit Shripat Bharambe] .. Petitioner

Versus

1. State of Maharashtra & 4 ors.] .. Respondents

Mr. N.V. Bandiwadekar for the petitioner.

Mrs. S.S. Bhende, AGP, for the respondents No.1 to 3.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 03RD MAY, 2007

ORAL ORDER : [Per S.B. Mhase, J.]

. Rule. Returnable forthwith.

2. The petitioner is a teacher working with the respondent No.5 School since 4th December, 1995. He is an untrained undergraduate teacher. He desires to have admission to the Postal D.Ed. course. The Management of the petitioner forwarded the application of the petitioner to the respondent No.3 who is imparting the education in Postal D.Ed. However, respondent No.3 has refused the admission to the petitioner to the said Postal D.Ed. course by letter dated 26th August, 2005 for the Academic Year 2004-2005. The ground for

rejection of the admission is that the services of the petitioner were not approved prior to 5th November, 1997.

3. However, it has been brought to our notice that the Administrative Officer, Kalyan Municipal Corporation School Board has approved the services of the petitioner for the Academic Year 1995-1996 and, accordingly, the order has been issued on 10th July, 1997. The name of the petitioner is at Sr. No.4 in the said order. We also find that for the Academic Year of 1997-1998, the services of the petitioner have been approved by the respondent No.2. Thus, the ground on which the admission for D.Ed. course has been rejected is found to be incorrect. Mechanically that ground has been given and admission has been denied. Alongwith the Affidavit, which is filed by the respondent No.3, the respondent No.3 has not produced any documentary evidence to show as to how the services of the petitioner were not approved prior to 5th November, 1997. Therefore, we find that the ground is incorrect and the rejection by the respondent No.3 is illegal. The respondent No.3 ought to have given admission to the petitioner in the Academic Year 2004-2005. However, we find that the said Academic Year 2004-2005 is over and, therefore, the admission for that Academic Year cannot

be given. However, in the facts and circumstances of the case, the petitioner is entitled to get admission to the postal D.Ed. course in the Academic Year 2007-2008.

4. We, accordingly, allow the Petition in the following terms:

(a) The order dated 26th August, 2005, refusing admission to the postal D.Ed. course for the Academic Year 2004-2005 is hereby quashed and set aside.

(b) The respondent No.3 is directed to give admission to the petitioner in the Postal D.Ed. course for the Academic Year 2007-2008.

. Writ Petition is, accordingly, disposed of.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]